Colonel Macklin Finds First Leave of Absence in Years Harder than Work-Visitors.

L. C. Davenport, of Bluffton, one of the members of Governor Durbin's staff, arrived in the city yesterday afternoon to join the party that starts for St. Louis today. Mr. Davenport says that politics is that business of all kinds is lively and that there are several enterprises under way that are attracting special interest.

"We are to have a new railroad in our county this summer." he said, "and it may develop into a big proposition. We have just voted a subsidy for a road from Bluffton to Camden, Jay county, and as Cam- Club the marshal refused to confirm or den voted a subsidy some time ago, the deny road is assured. Camden, or Pennville, as the place is officially known, is one of the oldest towns in our part of the State, but it has never had a railroad. There was a grade made for a road several years ago and I understand that the new company will secure the old right of way and make a material saving on the cost of construct- BOARD INFORMED THAT PAR OR ing the road.

"Camden lies seventeen miles south of Bluffton and the road will pass through several small towns. It is a populous and wealthy section and the road should be a profitable one. In time, I think that the line will be extended to Portland and that would make the property much more valuable. It is understood now that the road is to be operated by steam power, but I am inclined to believe that it will be converted into an electric line before it is completed. An electric line would be more profitable in that territory, I believe.'

Mr. Davenport is looking forward to the St. Louis trip with a great deal of pleasure. "I was very much disappointed," he said, "when I found that I could not accompany the party to Shiloh the first of this month, and I made up my mind then that nothing ild keep me from going to St. Louis. It be a great occasion and one that I would not miss for a great deal. From all that I have heard, I judge that the St. the issue was sold to John F. Wild & Co., Louis Exposition will be the biggest affair whose bid was par. Since then the board of its kind the world has ever known and I am glad that the Legislature made proon for an adequate showing of Indiana's wealth and resources.'

RATHER WORK THAN PLAY.

Col. Macklin Tires of French Lick and Comes Home.

Major Macklin, or, rather, Lieutenant Colonel Macklin, as he ranks now, who has charge of the recruiting station of the reg-French Lick, where he went on a thirty days' leave of absence to enjoy a little recreation, and has resumed his duties. The colonel used but a third of his month's save of absence and then grew so tired of resting that he had to come back and go to

work.
"I 'loafed' ten days," said the colonel last evening at the Columbia Club, "and then I couldn't stand it any longer and decided that I would much rather be on duty, so I came back and relieved Captain Dwyer. It was the first leave of absence I had taken in fourteen years, but after the novelty wore off in the first few days I found that it was more tiresome than working. I really had nothing to do and it was hard to time. That shows what routine and force of habit will do with a man.' The news of his promotion reached Col. Macklin while he was at French Lick. His commission and the other papers were for-warded to him and he took the oath of

office there. Senator Wolcott in Town.

Senator Eben H. Wolcott, of Wolcott, arrived in the city yesterday en route home from a week's business trip down into Indian Territory. The senator is a member of Governor Durbin's staff, but he will be unable to take the trip to St. Louis.

"Some business matters demanding my attention at once have come up unexctedly," said the senator last evening at the English, "and I have been forced to give up the trip. I never was more disappinted, for I have been counting on atending the dedication of the exposition. t will be one of the most spectacular affairs this country has ever known, and the opportunity to witness a demonstration of that kind of such magnitude comes but once in a lifetime.

Seymour Postmaster Here.

W. P. Masters, postmaster of Seymour, was in the city yesterday to look after some matters incident to the extending of the rural free delivery service in Jackson county. He called at the offices of Senator Fairbanks and Senator Beveridge. Mr. Masters says that he hopes to see a complete system of rural delivery in Jackson county in the near future. There are at present nineteen routes in the county, nine of which start from the Seymour office.

No Great Excitement.

day, says that there is not a great amount of excitement in that place incident to the recent whitecapping affair. Mr. Louden said that he saw the negro Shively on the street yesterday morning, and that aside from a few bruises on his face he did not appear to be the worse for wear.

Will Rejoin Regiment.

Capt. Jesse McI. Carter, of the Fourteenth United States Cavalry, was in the city last light. Captain Carter's regiment, which has been stationed at Fort Logan, Colorado, has been ordered to the Philippines, and he is on his way to rejoin the regiment after | ing a medical supervisor who would receive accompanying his wife to the home of her family in Ohio, where she will stay during his absence from the country.

At the Columbia Club.

James M. Barker and James W. Hull, of Pittsfield, Mass., officials of the Berkshire Life Insurance Company, are in the city. They were the guests of Charles E. Coffin last evening at the Columbia Club.

Visitors in the City.

Hugh Dougherty, of Bluffton, was at the Grand yesterday. 8. N. Cragun, a well-known newspaper man of Lebanon, was in the city yesterday. Judge D. P. Baldwin, of Logansport, was in the city last night, stopping at the

Spencer House.

Ed. Bierhaus, a prominent business man of Vincennes, was in the city last night on 10 per cent. of the monthly salaries due his way home from Chicago. Lieutenant Governor Gilbert was in the city yesterday on his way to Bloomington,

where he delivered an address last night at

Indiana University. Frank T. Singleton, of Martinsville, was at the Denison last evening. Mr. Singleton says the executive committee of the Indiana Republican Editorial Association will hold a meeting here in the near future to make arrangements for the midsummer outing of the association.

FOR VOTING MACHINES.

County Commissioners Decide to Spend \$12,000.

The County Commissioners have decided to give voting machines a trial and will purchase ten machines, which will be used in the city election next fall. The County Council has made an appropriation of \$12,on the specifications, which will provide "sixty-key" machines. They must be frawn under the machine-voting law.

them. Then when they become voters and machines are in common use they will be already familiar with them."

DECLINED BY FRED SIMS.

Numerous Others, However, Want to

Be Chief Deputy Marshal. Fred Sims, of Frankfort, Republican state committeeman from the Ninth district, yesterday declined the appointment as chief deputy United States marshal which was tendered him by Marshal Pettit Sunday night. Mr. Sims found that he was unable to arrange his business interests so that he could accept the position, which would have necessitated his moving to Indian-apolis, so after considering the offer fortyeight hours he notified Mr. Pettit by wire that he was forced to declin

position as deputy United States marshal is regarded as a desirable one, as it carries a salary of \$1,800 and the officer at ebb tide in Wells county at present, but | can hold it virtually as long as he desires, or as long as he is competent. The office does not fall under the civil-service regulations at present, but it is anticipated that it will be placed in that class in the near

It is understood that there are several applicants for the place, and it was reported ast evening that Mr. Pettit had tendered it | the suit. to another man on receiving Mr. Sims's message, but when seen at the Columbia the report. He said there would be no developments in connection with the appointment for two or three days.

BETTER MAY BE RECEIVED.

Interest Rate Will Not Be Increased-Dr. Foxworthy's Startling Report on Uncleanliness Found.

The School Board, at its meeting last night, decided to adhere to its decision to issue its improvement bonds at the interest rate of 31/2 per cent. The failure of the board to sell its issue of \$350,000 in bonds. bearing this rate of interest, March 31, was The plaintiff makes the further complaint used by many to indicate that the board could meet with no greater success in continuing this rate. At that time \$50,000 of whose bid was par. Since then the board has been generally advised to make the issue bear 4 per cent. and that this would insure the sale at a good premium. The board, however, felt the question should not boulevard bonds, which are similar. This sale occurred last Saturday and brought a premium. Since then the financiers who advised the board to issue 4 per cent. bonds corrected their advice and expressed the belief that the whole issue of \$300,000 which ular army in this city, has returned from | the board is authorized to make, would sell at not less than par. One of the most prominent financiers in the city sent word last night to the board that he was sure the board could sell at that price or better and a bond firm also sent assurance that it would pay par at least for \$250,000 of the unanimously voted to adhere to the 31/2 per cent. basis. To increase to a 4 per cent. basis would have added \$45,000 to the interest chargeable to the bonds.

> CHANGE IN THE BONDS. A change is to be made in the bonds, however. Instead of being delivered in installments of \$100,000 each, beginning June 15, and every two months thereafter, in order to save interest, the whole issue is from that date. The bonds are thirty-year gold bonds. After thirty years they mature

> Bids for the sale of them will be received at the office of the board May 28, at noon, and, to encourage popular bidding, any quantity, not less than \$1,000 nor more than \$50,000, may be bid for. But one person may bid for five amounts of \$50,000 each. The board received a petition from John Rosasco, Rosario Gatto, Michele Vinci, Frank Di Julio and other Italian citizens last night urging that books printed in the Italian language be added to the public library. They represented that there is now a large Italian population that is not able to understand the English language and that such books cannot be obtained here. The petition was referred to Librarian Browning for consideration.

Dr. Frank W. Foxworthy, who was the medical examiner of the board during the recent smallpox epidemic, made a report of his work and observations. He said he had made a sanitary map of the city, showing the location of the disease in reference to the schoolhouses, and through it and the daily reports of new cases from the Board of Health he was enabled to promptly notify all principals of the proximity of the disease and to exclude exposed pupils. During the two months he served he examined 3,918 pupils, of which number 2,528 had been satsfactorily vaccinated. He vaccinated 1.112. He reported as a remarkable circumstance that he had not been required to either examine or vaccinate any in Washington School, near the Atlas engine works.

UNCLEANLINESS FOUND. Dr. Foxworthy reported that he found Theodore J. Louden, a well-known Bloom- much uncleanliness amongst the pupils. me hardly ever received a bath. boy had scales on him and another was "sewed up for the winter." In one school where he found unusual bodily uncleanness the teachers got a tub and required bathing by those needing it. Parasites were frequent, and after visiting one school he found he required a bichloride of mercury bath. The ventilation of the buildings he found generally poor and calculated to injure health. He suggested the permanent use of the Chicago system for protection against infectious diseases by havand distribute daily reports, and he also suggested the use of individual lockers for

pupil's garments. Dr. Foxworthy said he found the teachers and the provisions deficient in the little things that are to the welfare of children. Children of one age, he said, are not of one size. He found children of different sizes occupying desks of the same size. Some could not find room in their seats, while others could not sit properly, nor could their feet touch the floor. He suggested adjustable seats. The crowding and improper posture, he said, opened the way for spinal deformities. He said many teachers do not know the simple attentions necessary for the accidents incident to school life and the little ills, and he suggested special training along that line. The board voted Dr. Foxworthy's report valuable and referred it to Superintendent Kendall for

The board adopted a rule that hereafter teachers should be retained until the end of the year. The rule in force for years required the retention of one-fifth. The board felt that the time had come to re-

The board also adopted a rule that hereafter all bids on buildings shall be accompanied by a certified check equal to 5 per cent. of the price bid by the contractor. This rule resulted from a discussion of the check required by the specifications for school No. 40, for which bids are to be received May 8.

B. P. U. ELECTS OFFICERS.

Annual Meeting Held at South-Street Baptist Church.

the Baptist Young People's Union, an organization of all the young people's societies of the city. Most of the local so-000 to be used in the purchase of machines, cieties were represented. A set of officers and County Attorney Hugg is now at work for the coming year was announced as follows: Thomas Rossiter, president; I. N. aced on exhibition ten days before the McCracken, vice president; William Moore, ection. The specifications are being secretary, and John W. Roberts, treasurer. Commissioner McGregor fears it will take Calley, of Chicago, was introduced as the some time for voters to familiarize them-selves with machines, and he suggests president of the E. Y. P. U. of the South-that the idea should be taught in the street Church. Mr. Calley is the general "I believe it would be a great secretary of the national B. Y. P. U. organihe said, "for school boards to rig zation. He spoke in a general way to the odels of these machines in school- young people and dwelt upon the opportunant teach the boys how to use ities that are available.

ATTORNEY SUES MONON COMPANY FOR \$35,000 FOR INJURIES.

He Alleges Railway Employes Neglected Passengers After Wreck at Cyclone-News of the Courts.

William V. Rooker, one of the passengers who was injured in a Monon wreck at Cyclone, near Frankfort, last March, filed a sensational suit for damages against the railway company in the Marion Superior Court yesterday. In his complaint he alleges that he is permanently injured and demands damages in the sum of \$35,000. Kline, engineer of the train on which plaintiff was a passenger, are made parties to

The accident happened at 2 o'clock in the morning while a south-bound train was waiting on a siding for the north-bound passenger. Rooker was sleeping in a berth in the Pullman car Nicosia. He avers that the switch was not long enough for the train, which left the sleeping car on the main track. It was struck by the northbound train, derailed and many of the passengers injured. Rooker says he is fortytwo years of age and at the time of the accident was making \$25,000 a year practicing law, taking care of a farm and promoting industrial enterprises. He says that when the accident happened he was engaged in the organization of an industrial enterprise at Chicago and was to receive for his services the sum of \$20,000. He avers that on account of his injuries he will be unable to complete his duties in connection with the enterprise. The plaintiff charges that the railway company after the wreck neglected its injured passengers, including plaintiff, in a way that was "so wanton and great that it became brutal." He avers that after appeals had been made by the passengers that surgeons assistance be secured the plaintiff and another passenger went to a farmhouse and telephoned to Frankfort for doctors. that he requested the railway company to communicate with his friends in Indianapknown as Belt Junction, which is near his nome, and the company failed to do this. He avers that he was carried to the Union Station, this city, and in his delirium and pain left the train unassisted except by a fellow-passenger.

"CUT-OFF" PROVED A JONAH.

be determined until after the city sold its | Railroad and Surety Companies in

Tangle of Litigation. The suit of the City Trust, Safe Deposit and Surety Company, of Philadelphia, against the Big Four Railway Company, growing out of the building of the long "cut off" at Anderson, went to trial in Room 3, Superior Court, yesterday. A few years ago the Big Four let the contract for building this "cut off," which is a track about half way around the city of Anderson, and was constructed for the purpose of getting freight through the city more rapidly, to Timothy J. McNerney, a contractor, for 15 cents a cubic yard. In the original contract about \$15,000 was involved. McNerney spent \$10,000 on the contract and the railway company, according to allegations, having decided on so many changes, threw up the job. The City Trust, Safe Deposit and Surety Company, which was on McNerney's bond, took up the work, State Agent Shaw taking charge of it. The trust company, it is claimed, spent \$31,000 on the work and also gave it up. The company then relet the contract and it was finally made deliverable June 15, interest accruing | completed. The trust company now seeks to recover for additional work put on the contract, claiming that the contract was radically changed. The Big Four filed a cross-complaint asking for \$35,000 damages. and McNerney has a claim for \$5,000 extra work performed

Old Man Declared Insane.

John Keys, aged about eighty-three years, living at 1259 Massachusetts avenue, was declared insane yesterday. It was The physicians urged the county the hospital for the insane at once and find out whether Keys could be admitted. If he is not admitted at the hospital he will be taken to the asylum for the incurably insane at Julietta. Doubt was expressed vesterday about Keys being admitted to the hospital as Marion county now has more than her quota there. On this account all applicants for admission from this county are being closely examined and if it is thought there is no hope for them, there is objection to their admission. Ordinarily, when the county is not so largely represented, the hospital physicians are not so particular about the condition of the patients at the time they are received.

In Criminal Court.

In the criminal court, yesterday, Bert Young, Luther Cave, Woodly Simmons and William Jones, colored, were before Judge charged that they sold the stuff to Sam Borenstein, a Fayette-street junk dealer, who is under indictment for receiving stolen goods. Young pleaded guilty and received a sentence of one to four years and Luther Cave, under a plea of guilty, was sentenced to one to three years. The cases against Jones and Simmons were continued. Link Rounds, colored, charged with as-

sault and battery with intent to kill, was fined \$50 and costs, the "intent to kill' being eliminated from the charge because the State had no corroborative evidence.

Twins in the Court.

Judge Stubbs, in the Juvenile Court, vesterday had among his collection of vouthful offenders of the law twins and was called upon to administer a fatherly lecture to them. The twins, a boy and girl, are five years old and were arrested on warrants sworn to by Patrolman Henry Monninger. The twins were guilty who owns property in Haughville in the paid, the holder of the legal title and his neighborhood where the children live and complained to the district patrolman that windows in one of his houses were broken by boys of the neighborhood. He furnished the names of the children to the patrolman, who swore out warrants for their arrest. When the arrested persons were found to be hardly more than babies Monninger showed some little embarrassment and was equally as well pleased as the twins when the little ones were discharged from further attendance on the court.

Divorce Suits Filed.

William B. Schwartz is suing Mary V Schwartz for divorce, charging that the defendant has an ungovernable and violent temper and used to assault him in a vio lent manner. She is now confined in the Central Hospital for the Insane, where she has been for twelve years, and is considered incurable. He desires a divorce, he says, so that he can manage his property interests as he sees fit and will be better able to provide for her and the children. Clemna I. Jackson is plaintiff in a suit against Dean C. Jackson, to whom she was married in Shelby county, Sept. 30, 1902. She avers that the defendant lived with her about six weeks and then deserted her. She asks that the marriage be annulled.

Cantrell May Talk.

Judge Alford, of the Criminal Court, yesterday directed the county sheriff to keep Rufus Cantrell, the grave robber, at the jail for another week. Cantrell was to have been taken to prison this week, but has indicated that he has something to say before he leaves, and desires to say it to the grand jury. Yesterday he sent a note to Judge Alford telling the court that he would like to go before the grand jury again. As the jury is to be called together next week, an employer is entitled to damages from a Judge Alford thought it best to have Can-union that interfered with his business. trell kept here. He will be taken before The F. R. Patch Manufacturing Company's

the jury next Tuesday afternoon. Cantrell employes struck. The strikers intimidated last night refused to talk about his new workmen who entered the shops in their The State has agreed, if the other ghouls confined in the jail will plead guilty, to recommend a sentence for them of from one to three years.

The Case Continued.

The case against Besse Schrader, charged with trying to entice Eleanor Coyle, age fourteen, from her home, who was arrested Monday night, was continued for thirty days by Judge Whallon in the Police Court yesterday morning.

Supreme Court Decisions. The Supreme Court decided yesterday that Matthew Kelly, of Washington, Ind. who was a defendant in the R. C. Davis gambling suit, has no right to an exemption of \$600 from property seized by the sheriff to satisfy a judgment of \$9,000. Winners at gambling have no title, Judge Monks rules, since their transactions are in defiance of law.

The Supreme Court yesterday reversed a judgment ousting Frank L. Landes and The Pullman Car Company and Thomas E. | Hubert M. Jordan from the City Council of Greencastle. The city was legally redistricted, the court holds, and Lanes and Jordan were regularly appointed.

Abattoir Files Mortgage.

The Indianapolis Abattoir Company, yesterday, filed with the county recorder a chattel mortgage on fifty refrigerator cars such mistake is known, or, from all the for \$40,000. The mortgage is issued to the Union Trust Company.

THE COURT RECORD.

SUPERIOR COURT. Room 1-John L. McMaster, Judge.

William Herod vs. Lavenia Athon et al.; foreclosure. Submitted to court. Evidence Herod against Defendant Athon for \$9,351.61 and costs. Finding and judgment for Geim, assignee, against Defendant Athon on \$3,000 note for \$6,120.24 and costs. Finding and judgment for Geim on note of \$5,000 for \$7,590 and costs. George Seifert vs. Thomas Thomas; injunction. Taken under advisement.

Emma Schaffer vs. Cash Schaffer: divorce Submitted to court. Evidence heard. Finding and decree for plaintiff, with restoration of her maiden name of Emma Malcolm. Worthus Shrewsbury vs. Kate Martin; to modify decree. Submitted to court. Evidence heard by order of court so as to give the custody of Mabel Shrewsbury to her father, Worthus Shrewsbury, until further order of court. Judgment against plaintiff Millie D. Botkin vs. Horatio Botkin; di-

vorce. On trial by court. Room 2-James M. Leathers, Judge. John L. Ramsey vs. Sinker-Davis Company; damages. Jury out.

Room 3-Vinson Carter, Judge. Robert S. Parkhurst vs. the McCormick Harvesting Machine Company; damages. CIRCUIT COURT.

Henry Clay Allen, Judge. Homer V. Place vs. Irvin C. Blue, suit on account. Submitted to court. Finding for defendant. Judgment against plaintiff for

Ida Park vs. Ed Park; divorce. Dismissed by plaintiff. Judgment against plaintiff for Nancy Ann Kercheval vs. Reuben Kercheval; divorce. Defendant defaulted. Submitted to court. Finding for plaintiff for costs and former name of Nancy Ann Weaver. Judgment against defendant for

NEW SUITS. John W. Clark vs. the trustees of the Massachusetts-avenue M. E. Church et al.; John B. Andrew vs. Evansville, Indianapolis & Cleveland Straight-line Railroad Company et al.; suit to quiet title. Circuit Clarence I. Jackson vs. Dean C. Jack-

malicious prosecution. Superior Court, William B. Schwartz vs. Mary V. Schwartz; divorce. Superior Court, Room 3 William V. Rooker vs. Chicago, Indianapolis & Louisville Railroad; damages. perior Court, Room 3.

son; divorce. Superior Court, Room 2.

Jacob Hart vs. Antony Mascarie et al.

HIGHER COURTS' RECORD. SUPREME COURT.

Landes vs. State ex rel. Matson. Putnam C. C. Reversed. Hadley, C. J.-1. When duties are imposed upon public officers which affect the rights and duties of others, and time of performance is stated in such language as does not deprive the officer of the power to perform after the time prescribed, such statute in relation to the time for the discharge of such duties is directory and not mandatory or essential to the validity of the proceeding. 2. In the passage of an ordinance by a common council the essential thing is that it receives the requisite number of votes at a absence of a specific mandate the power of a council to pass an ordinance or the rights of one springing from such an act cannot be set at naught by the neglect or failure of an officer of the city to perform some ministerial duty in relation thereto strictly within the time and manner directed of him by the statute.

19888. State ex rel. Kelly vs. Morgan. Greene C. C. Affirmed. Monks, J.-In an action' under Sections 6675-6680, Burns, 1901, where the State recovers judgment for a wife on account of moneys lost at gaming

the judgment defendant is not entitled to the benefit of the exemption laws as against an execution issued upon such 19797. State ex rel. Moore vs. Board of Commissioners. Montgomery C. C. Oral argument June 3, 1903.

APPELLATE COURT. 4348. Angell vs. Hornbeck. Carroll C. C. Reversed. Henley, J.-1. In an action for

at Sixteenth and Alabama streets, and ly admitted upon that issue. 2. Evidence which is introduced to show that the proposed highway will be of public utility such land owner. 4233. Union Traction Company vs. Barnett. Henry C. C. Affirmed. Robinson, J. -1. Where the jury finds for plaintiff in its

general verdict it determines every question essential to such person's right of recovery in her favor. 2. Answers to interrogatories must be construed strictly and without favorable intendment against the moving party. 3. If answers to interrogatories are inconsistent between each other or if the antagonism between them and the general verdict is not such as to be beyond the possibility of removal by any evidence admissible under the issues the general verdict must stand.

4220. McCardle vs. the Aultman Company, Ohio C. C. Affirmed. Roby, C. J .-In an action upon a judgment when the complaint contains facts sufficient to show that plaintiff is the owner of the equitable thereto it is sufficient to withstand a demurrer for want of facts when it shows rendition of the judgment and an equitable assignment thereof to plaintiff. throwing stones, it seems, at a rental agent | and that the same remains due and unassignees and receivers being made party defendants.

4332. People's State Bank vs. Ruper. Spencer C. C. Appellants granted leave to file brief in ten days. 4718. Harris vs. P., C., C. & St. L. Railway Company. Clark C. C. Appellant petitions for leave to file an amended statement under Rule 22. Leave granted and ten days given.

-New Suits .-George T. Kepler vs. Frank W. Rinehart. Wayne C. C. Record. Assignment of errors. Notice application and brief for supersedeas. Supersedeas. Benjamin Simpson vs. Edward Schuetz, administrator. Clay C. C. Rec-Assignment of errors. Appellant's

4706. William P. Hofferbert vs. John W. Williams et al. Huntington C. C. Appellant's reply brief (8.) 4714. Elizabeth Groves vs. Zachariah T 4778. Mark L. De Motte et al. vs. the City of Varparaiso et al. Porter C. C. Appellees' assignment cross errors. 4692. The Reserve Loan Life Insurance Company vs. Maria Hockett. Madison C. C.

Appellee's motion, notice and brief to dismiss. Appellee's brief (8.)
4653. The Cincinnati and Hammond Spring Company vs. Beatrice Brown. By Calvin Brown, her next friend. Lake C. C. Appellee's petition for additional Granted thirty days. Appellee's brief (8.) 3780. C., I. & L. Ry. Co. vs. Patrick Mc-Guire et al. White C. C. Appellee's answer to petition to transfer (4.) 4664. American Car and Foundry Company vs. Volta F. Clark. Clark C. C. Appeilant's reply brief (8.)

RECENT LEGAL OPINIONS.

-Trades Unions-Intimidation of Work-

places. The company employed guards and provided a boarding house for the new men. The company was put to great expense to operate its works, as it had a right to do under the law. It sued the union for \$10,000 damages, and the jury returned a verdict of \$2,500. The property of union men was levied upon and the company will collect by that means. The union is trying to escape the effects of its law-lessness by concealing its records, and the officers have also absconded.

-Conflict of Laws-Usury .-A resident of Alabama, on application made in that State to the agent of a Minnesota building company, became a stock-holder thereof and obtained a loan from it, giving a note therefor, payable in the latter State, declared to be made with reference to and under the laws of Minnesota, secured by a mortgage covering Alabama lands and containing a stipulation like that contained in the note. The offi-cers of the company, at its office in Minnesota, passed upon the application and on the sufficiency of the security offered. Held that the note and mortgages were not governed by the usury laws of Alabama. [33 Southern Rep. (Alabama, Judge Tyson), 934.]

-Contract of Sale-Meeting of Minds .-In every contract of sale the minds of the parties must meet. Where one supposes that he is buying five carloads, and the other that he is selling one carload of matches there is no sale. An ambiguity or a mistake by a slip of the pen or tongue cannot be caught up and used as the basis of a contract, particularly where circumstances, should be known to the party seeking to use it. [43 Southeastern Rep. (Georgia, Judge Lamar), 755.]

-Corporations-Increase of Capital Stock .-Where a corporation increases its capital stock under an arrangement with a creditor to take a portion of the increase in payment of a debt owing by the corporation, and the stock is issued to the credheard. Finding and judgment for Plaintiff | itor in pursuance of the agreement, the agreement is valid and binding on the creditor; and the liability of the creditor for his undertaking does not depend upon the filing of the amended articles before the stock is issued. [10 Detroit Legal News (Michigan),

-Railroad-Intoxicated Passengers .-

Where an intoxicated passenger so demeans himself as to justify his ejection, and on reaching his destination in the night time leaves the train and his body is found on the track under such circumstances as to show injury by another train which passed during the night, the railroad company is not liable, it being under no obligation to guard the passenger through the night. [33 Southern Rep. (Alabama, Judge Haralson), 932.1

-Intoxicating Liquors-Sale by Agent .-The fact that a husband, who was the manager of his wife's grocery store, sold intoxicating liquors at the store, did not render the wife liable to the penalty prescribed by law, when the sale was made without her knowledge, contrary to her express orders and his promise to refrain from selling the liquor there. [33 Southern Rep. (Mississippi, Judge Price), 944.] -Riot .-

Three persons do not constitute a "multitude" or "unusual number," which of itself tends to excite terror; nor is the carrying of an ax to a sawmill an act having such a tendency. [104 Mass., 595.]

VOTE TO INCREASE DUES

MEMBERS OF COMMERCIAL CLUB ACT UNANIMOUSLY.

Action Taken at a Smoker, Where

Reasons for Increase Were Dis-

cussed by Stockholders.

At a smoker attended by about one hundred and fifty members of the Commercial Club last night it was decided to increase the dues of members from \$6 to \$10 a year. The smoker was the result of a meeting of the directors held March 10, when a resolution proposing the increase was adopted. After the March meeting of directors Secretary Hoover wrote to a large number of the different clubs of the country and inquired about their dues. The responses were numerous, and in no instance was Mr. Hoover able to find a club whose dues were less than \$12 a year and the amounts ranged as high as \$40 and \$50 a year. The secretary then sent out a circular letter to the members of the club setting forth the reasons for the contemplated action as fol-

"First-That the club may be able reduce its debt more rapidly. The total amount of the indebtedness is \$108,500, of which \$93,500 bearing 4 per cent. will mature on June 1, 1905, and \$15,000 bearing 51/2 per cent. will mature June 1, 1905. "Second-That the club may have more funds with which to keep its property in good condition and thus prevent deterioration in value and increase the equipment and comforts of the membership. "Third-That the club may not be cramped, as heretofore, for funds with which to care for the large public questions and public interests that should receive its attention and that it may be able to accomplish more for the city's welfare and increase its usefulness.

PROPOSAL DISCUSSED. Frank E. Gavin, president of the club, presided at the smoker and told why the the location of a public highway where stockholders had been called together. He Alford on the charge of burglary and grand damages to a land owner is an issue the jury trying the cause should be instructed into the Home Lighting and Heating plant into the Home Lighting and Heating dues, John E. McGettigan being the only stockholder to oppose the plan. In an emcannot be considered by the jury in placing phatic speech of several minutes Mr. Mc-an estimate upon the individual benefits to Gettigan urged that the club move guardedly in this matter. He suggested that to raise the dues now would not only have a tendency to stop the increase in membership, but might drive other members out of the club. Mr. McGettigan offered a resolution providing for the appointment of a committee to canvass among the members of the club and ascertain the sentiment in regard to the matter. Mr. McGettigan's idea was that the members should be educated to the idea of an advance in dues gradually. His resolution was lost by a

Sol C. Kiser and W. S. Wynn spoke in favor of the plan to raise the dues, and Bert Essex asked for some kind of a statement of the club's finances. He was enlightened in this regard. Figures showed that for the year 1901 the club's receipts were \$23,800 and the expenditures amounted to \$23,500. C. A. McConnell in a speech in favor of an advance in dues told the stockholders of the Cincinnati Business Men's Club, which has \$40 a year dues. Mr. Mc-Connell said if he were making the dues for the Commercial Club he would fix them at \$20 instead of \$10 a month.

CLUB'S CONDITION. The discussion regarding the dues led to a general talk on the club's condition. It was stated that there is now a membership of more than 1,000, and in the last four months about 150 new members have been added to the list. It was explained that the club has never paid rent for its quarters. Hereafter the books will show that the club pays for rent in its own building at the true rental value. This feature will merely be a matter of bookkeeping. The question of increasing the rents now paid by the tenants in the building was brought up. It is the purpose of the club to increase the rents as the leases expire to Hobbs. Clinton C. C. Appellant's brief (8.) | make up for the increased cost in the expense of keeping the building in repair and in heating and lighting it. As an instance of this increase it was explained that from the time the building was erected and first occupied up to the beginning of last winter it cost \$60 a month for gas. Since the beginning of winter the cost has been from \$250 to \$280 a month for coal.

After the stockholders had discussed matters at length the question of increasing the dues was put to a vote and carried unanimously. The matter was voted on in the form of the resolution which the di-rectors adopted at the meeting in March. As a result of the action last night the following amendment will be added to the club's by-laws:

"The membership fee shall be \$5, payable in advance, and the annual dues from each member shall be \$10, payable in two installments of \$5 each on the first Mon-day in May and the first Monday in November of each year. Persons making application for admission to membership must subscribe at the time of said application for not less than one share of the capital stock of the club."

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SALES OF REAL ESTATE.

Thirty-Five Transfers Made Matter Record Yesterday.

Instruments filed for record in the recorder office of Marion county, Indiana, for the twent four hours ending at 5 p. m., April 28: Hayden Gosson et ux. to Thomas W. Johnson et ux., Lot 60, Douglass Park Arthur V. Brown et ux. to Emily M. Shirley, Lots 5, 7 and 8, August Wacker's 1st West Side add...... Henry C. Thornton et ux. to Fannie C.
Baker, pt Lots 11 and 12, James Blake's
sub, Outlot 34, city of Indianapolis..... 1
Charles S. Lewis to Isabella D. Maxwell, Lot 6, Eitel's North Meridian-street

12 and 13, Sq 14, S. A. Fletcher, jr.'s, Northeast add.... August Wacker to Frank Peschat, Lot 33, McCarty's sub, Outlots 118 and 119, city pt Lot 1, McCarty's sub, Outlots 118 and 119, city of Indianapolis Erna B. Turner et al. to Lucinda Hudel-son, Lot 19, Robbins & Hubbard's Hill 109, Bradley et al.'s East Washington-Tuttle Culver et al. to Samuel Taylor, Lots 161, 162, 163 and 164, Culver et al.'s sub, Columbia place..... eseph F. Keating et ux. to William H. Hawkins, Lot 31, Moore & Taylor's

inclusive; Lots 73 to 82, inclusive, and Lots 101, 102 and 103, Homestead, River-Margaret J. Apple, et al. to J. K. Helt-man, pt n e 4, Sec 23, Tp 17, R 5 George W. Stout et ux. to Elizabeth E. Hewitt et al., Lot 921, Stout's Lambert-street add Samuel D. Morrison et ux. to Worst, Lot 3, Seidensticker's sub, Birk-Jacob F. Smith to Frank Rupp, Lot 10, Klingensmith's corrected sub, Outlot 128, city of Indianapolis ... Schmidt to Frank Rupp, Lot 10 and pt Lot 11, Klingensmith's corrected sub. Outlot 128, city of Indianapolis. Arthur G. Fosdyke et ux. to Frank Rupp, Lot 10 and pt Lot 11, Klingensmith's sub, Outlot 128, city of Indianapolis....

Charles M. Clark et ux. to Thomas H. Fritter, Lot 7, Munson's sub, Beaty's Elmer C. Crout et ux. to Hayden P. Anderson, pt Lot 21, Hanna's heirs' add... Frederick J. Vornheder et al. to Mary C. Vornheder, undivided 2-3 Lot 564, Spann & Co.'s 2d Woodlawn add...... Helen M. Heron to William L. Higgins, Lot 3, George D. Staat's sub, Pratt's sub, Outlot 172, city of Indianapolis.... Frederick A. Meyer, admr., to Louisa Harting, Lot 67, McCarty's sub, Outlot 120, city of Indianapolis.... Henry Westfahl to Louisa Harting, Lot McCarty's sub, Outlot 120, city of Leoma H. Heltman et al. to Angeline Smith, Lot 3, John Mock's 1st add, trustee, pt Lots 7 and 8, Sq 49, city of Indianapolis James Carpenter et ux. to Calista H. Fellows, pts Sec 20, Tp 15, R 4..... Shaneberger et al., Lot 6, Isaac Coe's

Mary A. Hirschman et al. to Ray resub, Sq 41, city of Indianapolis; also pt Lot 16, Isaac Coe's sub, Sq 41, city of Indianapolis Charles Koehring et ux. to William McCain et ux., Lot 13 and pt Lot Henry Coburn's sub, Indianapolis Cincinnati Railroad Company's add. James L. Calvin, trustee, to Emma B. Sharitt, pt n e 4. Sec 16, Tp 15, R 4.... W. B. Hollingsworth et ux. to Charles L. Draper et ux., Lot 91, Armstrong's et ux., Lot 66, Fletcher's Woodlawn Gertrude Yorn et al. to Grace Carriger, pt n w 4. Sec 13, Tp 16, R 4; also Lot 25, Morgan's West Indianapolis add; also Lot 24, Blk 8, Cleaveland's Central

Transfers, \$5; total consideration..... Building Permits. E. J. Gausepohl, repairs, 910 Huron street, \$53. J. H. Shepnard, raising dwelling, 248 North

Ruth street, A. E. Playfort, driveway, 2017 Massachusetts L. Bodenmiller, frame shop, 613 East St. Clair Albert Janert, repairs, 1423 Union street, \$465. William McCollum, frame cottage, 619 Terrace avenue, \$500. Robert Quinn, repairs, 1004 Rhode Island street, Caroline Steel, repairs, 831 River avenue, \$100.

Mr. Scoville, two-story frame dwelling, corner vington avenue and Lowell street, \$4,000. Arthur J. Gillet, frame barn, 2108 North New lersey street, \$250. Kate Grosvenor, remodeling, 1521 North Rural Thomas Finneman, frame cottage, 1120 St. Peter

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